

# **EXHIBIT 1**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

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CORY SPENCER, an individual, )  
DIANA MILENA REED, an )  
individual; and COASTAL )  
PROTECTION RANGERS, INC., a )  
California non-profit public )  
benefit corporation, )

Plaintiffs, )

vs. )

No. 2:16-cv-02129-SJO (RAOx)

LUNADA BAY BOYS; THE )  
INDIVIDUAL MEMBERS OF THE )  
LUNADA BAY BOYS, including )  
but not limited to SANG LEE, )  
BRANT BLAKEMAN, ALAN )  
JOHNSTON, MICHAEL RAE )  
PAPAYANS, ANGELO FERRARA, )  
FRANK FERRARA, CHARLIE )  
FERRARA, and N.F.; CITY OF )  
PALOS VERDES ESTATES; CHIEF )  
OF POLICE JEFF KEPLEY, in his )  
representative capacity; and )  
DOES 1-10, )

Defendants. )  
\_\_\_\_\_ )

DEPOSITION OF  
STEVEN BARBER  
IRVINE, CALIFORNIA  
JUNE 22, 2017

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
www.depo.com

REPORTED BY: DENISE J. PAGANO, CSR. 7233  
FILE NO.: AB064C5

1 Q That's it? Skelly? 10:55

2 A (Nods head.)

3 Q What city do you live in now?

4 A I live in the City of Irvine.

5 Q Oh, this was an easier commute for you today?

6 A It was great.

7 Q And do you work four-day shifts, or what's your  
8 regular shift assignment? Is there one?

9 A Yes, I'm a patrol sergeant, so I work a three-day  
10 shift, 12-hour days. I work Monday, Tuesday, Wednesday from  
11 7:00 a.m. to 7:00 p.m.

12 Q Are shifts bid upon, or is it the chief assigns it?  
13 What's the --

14 A Right now, it's bid upon by seniority.

15 Q Okay. And sometimes it's -- is it always bid by 10:57  
16 seniority or does it -- who makes the shifts? Let me ask  
17 you that.

18 A Well, it's always -- it has been seniority for as  
19 long as I can remember, but the chief, with the captains  
20 involved, could make the decision to assign -- to assign  
21 shifts to people if need be.

22 Q Does that happen very often?

23 A No.

24 Q Are you familiar with a Ferrara family?

25 A Yes, I am.

1 Q And in terms of the Ferrara family, how many 10:57  
2 members of that family do you know either professionally or  
3 otherwise?

4 A I just -- professionally, but one of them -- the  
5 mother of a couple of them went to high school with me. Her  
6 names Leonora.

7 MS. BACON: Belated objection. Compound and vague  
8 and ambiguous.

9 BY MR. FRANKLIN:

10 Q So Leonora, was Buchema (phonetic) her maiden name,  
11 or was that her first married name? Do you know?

12 A I remember being Leonora Walters --

13 Q Okay.

14 A -- or Walter.

15 Q So Leonora Walter is a Miraleste class of 1988? 10:58

16 A Yes.

17 Q Do -- WHO -- you said you know Leonora outside of  
18 work, because you went to high school with her.

19 Do you know -- related to your police work in Palos  
20 Verdes, can you recall names of any other Ferraras?

21 A Angelo, Leo and [REDACTED], and I -- I know the name,  
22 Frank Ferrara, but I'm not real -- I -- I'm not familiar --  
23 I've really never talked to Frank too often. I think maybe  
24 once in my career there.

25 Q Have you had the occasion to talk to Angelo during

1 your career?

10:59

2 A Yes, I have.

3 Q And what was the most recent -- what was the  
4 purpose, if you can recall, in your first speaking with  
5 Angelo?

6 A Well, without going into too much detail, because  
7 his son is a juvenile, his son ran into some legal problems.

8 Q So his son is referred to in this case as N.F.

9 A Okay.

10 Q And I think he -- well, we'll continue -- we'll  
11 refer to him as N.F. --

12 A Okay.

13 Q -- so you know. And this related to -- was there  
14 an issue of selling drugs at the high school that you  
15 remember?

11:00

16 A Yes.

17 Q And do you recall how that was brought to the  
18 police department's attention? Did someone from the high  
19 school call?

20 A Yes, they did. I do have to say that I was not on  
21 duty at that time, though, when that incident occurred.

22 Q Is there an officer assigned to the high school, or  
23 how does it -- is it --

24 A Not technically, but we do have an officer that  
25 teaches a class called, "Student in the Law," there, who is

1 that, no.

11:20

2 Q And Leonora -- was it Walters?

3 A Uh-huh.

4 Q -- she's Mr. -- she's Angelo's wife?

5 A Yes.

6 Q Have you had occasion to meet with Leonora related  
7 to your work?

8 A Yes, and only involving N.F.

9 Q How about unrelated to work? Other than since '88,  
10 have you had a personal relationship?

11 A No. We weren't good friends.

12 Q And then how about Leo? You mentioned him.

13 It's Leo Ferrara?

14 A That is correct.

15 Q And have you had occasion to interact with Leo  
16 Ferrara related to work?

11:21

17 A Yes, I know that he -- I've seen him frequently in  
18 the Lunada Bay area. I believe he -- he surfs down there.

19 Q And your reason to -- have you checked -- have you  
20 had a reason to talk to him work-related?

21 A Not -- you know, honestly, I don't think I've ever  
22 work-related had to talk to Leo.

23 Q And then how about an Anthony Buchema? Do you know  
24 that name?

25 A I know that name, but I'm not familiar with

1 paid?

11:53

2 A Yes, \$25 out of each paycheck, except if there is a  
3 third paycheck of the month, then it's not.

4 Q Okay. So it's --

5 A That's when we had our -- it's an extra. They base  
6 it off of getting two paychecks per month.

7 Q Per month?

8 A Yeah.

9 Q Six hundred bucks a year? Is that it?

10 A Correct.

11 Q And does the POA raise money, also?

12 A Yes, we have a mailer that we send out to our  
13 residents.

14 Q How -- where did the POA get the resident list? Do  
15 you know? The mailing list?

11:53

16 A We have a company --

17 Q Okay.

18 A -- New Equity Productions that handles all of our  
19 mailings.

20 Q And what types of mailers does the POA send out?

21 A It's a letter --

22 Q Okay.

23 A -- just explaining who we are and what we do, and  
24 then at the bottom of it is a little slip that you can fill  
25 out and either send it back with a check, or you can use a

1 credit card or cash, whatever.

11:54

2 Q And besides the mailer, are there other ways people  
3 would know about making a contribution to the POA?

4 A Not really, no. We do have a website, but it's the  
5 same thing that's on the website.

6 Q And in terms of the website, I understand there are  
7 a couple levels -- four different levels that someone can  
8 contribute.

9 Is that the same as the mailer? Does that sound  
10 familiar?

11 A Yeah, I believe so.

12 Q All right. Gold, platinum, bronze or --

13 A Yeah, something along those lines. I would have to  
14 look at it again, though.

15 Q And do you remember what the contributions --  
16 suggested contributions are?

11:55

17 A The suggested? I don't think they suggest  
18 anything. I think they -- you can do anything you want, but  
19 I know there are check boxes. Like I said, I would have to  
20 look at that again.

21 Since it's handled by New Equity, we don't do it.  
22 We let them take care of all of that.

23 Q Does New Equity run the website, also?

24 A Yes.

25 Q And in terms of if checks come in, where do they



1 go?

11:55

2 A To New Equity.

3 Q Okay. And does New Equity specialize in Police  
4 Officer Associations?

5 A Yes, they do.

6 Q Where are they based out of?

7 A Newport Beach, actually.

8 Q Close?

9 A Less than a mile away from here.

10 Q And are there -- if you make a contribution, are  
11 there -- do people get something in return?

12 A You can get a sticker.

13 Q What does the sticker say?

14 A Supporter of the Palos Verdes Police Officers  
15 Association.

11:56

16 Q How big is the sticker?

17 A Maybe a little bit smaller than this booklet right  
18 here, which is a few inches by a few inches.

19 Q And is it a circle? An oblong?

20 Does it have a badge on it?

21 A It's a square with our badge design in the middle.

22 Q And are those -- where do people put those  
23 stickers? Do they put them on their cars?

24 A We have seen them on cars.

25 Q Have you seen them anywhere else?

1 A Front doors, in the little windows on the side -- 11:57  
2 on the side of the doors.

3 Q There seems to be some other items. Maybe you  
4 remember. I think there was -- there was a sticker on a  
5 box?

6 A Like a lapel pin maybe.

7 Q Yeah, a lapel pin.

8 Have you seen people wear the lapel pin?

9 A I've never seen anyone wear the lapel pin.

10 Q And the lapel pin, what's that? Is that the badge,  
11 also?

12 A Yes.

13 Q And then there was a plush toy or something like  
14 that?

15 A I -- 11:57

16 Q You don't recall that?

17 A I don't recall that.

18 Q How about something for the highest level, I think,  
19 called a challenge coin?

20 Have you heard that?

21 A Yeah, the challenge coin, that's pretty popular  
22 right now with law enforcement agencies.

23 Q And does the challenge coin have the badge?

24 A To tell you the truth, I've not even seen what they  
25 give out for the challenge coin. I probably should.

1 Q Does New Equity keep a percentage of -- is that how 11:58  
2 that deal works --

3 A Yes.

4 Q -- of whatever they bring in?

5 A Yes.

6 Q And in terms of the budget, what percentage is  
7 officer contributions of the \$50 a month versus the  
8 fund-raising?

9 Do you know?

10 A The fund-raiser, obviously, brings in a lot more  
11 money.

12 Q How much money does the fund-raiser bring in?

13 A They do it twice a year, and, on average, it's --  
14 I'd say it's a little less now -- about \$20,000, \$25,000,  
15 but I can't tell you the exact number. 11:59

16 I'm not the treasurer, so I know the treasurer gets  
17 the actual checks from the --

18 Q So Service Officer Placek is the current treasurer?

19 A No, she is not anymore.

20 Q Okay?

21 A She was.

22 Q She was until recently?

23 A Until we changed in January.

24 Q Okay. So there is a fund-raiser twice year with  
25 the mailers going out?

1 Q And do you -- are you familiar with a fireman named 12:05  
2 Joe Bark?

3 A I'm familiar with Joe Bark. I know he worked for  
4 Redondo --

5 Q Okay.

6 A -- Harbor Patrol.

7 Q Okay.

8 A So that's a separate agency.

9 Q And how do you know Joe Bark?

10 A I've known Joe through not only work. When we had  
11 the boat, it was stationed at Redondo Beach's marina,  
12 Redondo Beach Harbor Patrol's marina.

13 I also know Joe from the years of working in PV  
14 Estates. He surfs, he paddle boards, does all kinds of  
15 stuff. So professionally and personally I've just gotten to 12:05  
16 know Joe throughout the years.

17 Q Have you ever socialized with Joe?

18 A Just talking to him, if I see him around, say hi  
19 here and there.

20 Q Do you know, has your POA ever hired a law firm  
21 called Lackie, Dammier, McGill and Ethir in Upland?

22 A We did not hire them, no.

23 Q Are you familiar with that firm?

24 A Yes, I am.

25 Q Are you familiar with something that they published

1 at one point called the -- I think it was either the 12:06  
2 Negotiation or POA Playbook?

3 A No, I'm not familiar with that.

4 Q Does New Equity -- who maintains the list of people  
5 that have made donations?

6 A New Equity.

7 Q Does -- is there a wall put in place -- would you  
8 know who made donations or does New Equity?

9 A They keep the list, and I -- we can request the  
10 list if we need to, but we -- you know, I can't remember the  
11 last time I've seen their actual list of contributors,  
12 donators.

13 Q Do you know, do they give you a report on who  
14 donated, or how does that work?

15 A Once in a while, they'll let us know. They'll show 12:08  
16 us a donation that's been sent to them, that's really,  
17 really -- it may not be a large amount, but it's just a real  
18 nice note that's written on there saying, "thank you for the  
19 good job you guys do," so they'll let us know when we get  
20 really, you know, nice things when people say it.

21 Q How about in terms of amounts? Do you -- what's  
22 the largest amount that you know has been donated?

23 A I don't know the exact large -- I mean largest  
24 amount.

25 Q More than a thousand dollars?

1 A I'm sure.

12:08

2 Q Do you know if the Ferraras have ever made a  
3 donation?

4 A I have no idea if the Ferraras have.

5 Q How about someone named Charlie Mowat?

6 A Charlie probably has made a donation in the past.  
7 He's a resident.

8 Q Do you know Mr. Mowat?

9 A Yes, I do.

10 Q And do you know him permanently?

11 A I do.

12 Q And how do you know him personally?

13 A I've probably gotten to know Charlie just over the  
14 years of seeing him around in the city. He went to -- he's  
15 a local guy. He went to Palos Verdes High School, went to  
16 Margate Intermediate. He's a pilot. Just become friendly  
17 with him over the years. Nice guy, and so I consider  
18 Charlie a friend.

12:09

19 Q Okay.

20 A Yeah.

21 Q And does -- consider him a friend, does that mean  
22 family vacations and that type of thing?

23 A Nothing like that; not that close, no.

24 Q Okay. But over to his house for events and that  
25 type of thing?

1 A I have been, yes.

12:10

2 Q Okay. Barbecues?

3 A Yes.

4 Q Poker?

5 A No, never played poker with Charlie.

6 Q Is there -- do any of the officers play poker with  
7 any of the residents, do you know?

8 A No, not that I know of, no.

9 Q How about -- do you know if Brant Blakeman has made  
10 any donations to the POA?

11 A I'm not sure if Brant has or not.

12 Q How about his wife? Would you know if she's made a  
13 donation?

14 A Like I said, I can't remember the last time I  
15 actually looked at a list of who donated.

12:10

16 Q And I'm going to ask about a few -- how about  
17 Mr. Papayans? Do you know the Papayans family?

18 A I do.

19 Q And is there a -- there is a Michael more senior  
20 Papayans. Do you know that person?

21 A Yes.

22 Q Do you know if he's ever made a donation?

23 A Like I said, I don't know.

24 Q Do you recall any other donations by any  
25 individuals?

1 A That's correct. 12:17

2 Q In your 20 plus years with the Department, how  
3 many, that you would know, police sworn officer have been  
4 African-American?

5 A Sworn officers? Captain Scroggins and one other.

6 Q Who was the other?

7 A Charles Avington.

8 Q Is he still with the Department?

9 A No.

10 Q When did Mr. Avington leave?

11 A I don't recall the exact date. It's been a while.

12 Q More than 15 years ago; is that --

13 A No, not more than 15; ten.

14 Q Ten or so?

15 And are you aware that Captain Scroggins complained 12:18  
16 about officers referring to him as "boy"? Had you ever  
17 heard of that?

18 A I had heard that he did make a complaint after he  
19 was let go about that, about that Chief Dreiling was calling  
20 him "buddy boy," just like he would call everyone of us  
21 buddy boy. That was his little name for, like, every male  
22 officer there.

23 Q Anything else in terms of a reference to boy that  
24 you remember?

25 A No.



1 Q Did you ever just talk about that with any 12:20  
2 officers?

3 A Not really, no. I wasn't involved.

4 Q Do you know who he accused of being a black face?

5 A No, I think Strahan was maybe in the picture, but  
6 it wasn't -- from what I heard, it wasn't black-faced.  
7 Somehow they got the negative of the picture and produced  
8 that as being in black face, and when you see a negative of  
9 a photo, it may appear like that, so that's all I know about  
10 that.

11 Q Now, related -- do you remember there being an  
12 allegation related to a noose, also?

13 A I remember it was something with a noose around the  
14 neck of somebody, but I don't know.

15 Q And have you ever seen nooses in the Department in 12:21  
16 your 20 years in terms of someone's locker or that type of  
17 thing?

18 A No, not at all.

19 Q Do you know a person named Richard Delmont?

20 A Yes.

21 Q Who is Richard Delmont?

22 A A former police officer from our department.

23 Q How long was Mr. Delmont --

24 A Mr. Delmont worked for approximately 15 to 16  
25 years, I think, as a police officer. I could be wrong with

1 A Not that I can recall, no. 12:40

2 Q How about coverage issues, covering -- can you  
3 cover my assignment, that type of thing?

4 A Can you cover a shift?

5 Q Yes.

6 MR. FLAUTT: Object to the extent it's not actually  
7 work-related.

8 THE WITNESS: To cover a shift?

9 BY MR. FRANKLIN:

10 Q Yes.

11 A I suppose I've texted somebody if they're available  
12 to work, yes.

13 Q And have you -- have you ever communicated with  
14 Mr. Mowat on your personal phone?

15 A Yes. 12:41

16 MR. FLAUTT: Object to the extent, again, it  
17 violates his privacy rights.

18 BY MR. FRANKLIN:

19 Q That's "yes"? Have you ever communicated with  
20 Mr. Blakeman on your personal phone?

21 MR. FLAUTT: Object to extent it violates his  
22 privacy rights, especially if it's not work-related.

23 THE WITNESS: Mr. Blakeman? Brant Blakeman, no.

24 BY MR. FRANKLIN:

25 Q How about his wife? Have you ever communicated

1 Q How do you know John Camplin?

12:44

2 A He is a resident or lived in PV -- I don't know if  
3 he lives in PV Estates anymore. He is a surfer who surfs  
4 Lunada Bay. I've gotten to know John a little bit through  
5 Charlie Mowat, but that's the extent of John.

6 Q A barbecue or something?

7 A Yeah, yeah, he's been around for a long time,  
8 though, so . . .

9 Q How about Michael Thiel? Have you -- I'm going  
10 back to the -- have you ever texted him on your personal  
11 phone --

12 A No.

13 Q -- or communicated to Michael?

14 Did you know Michael?

15 A Yes.

12:44

16 Q How do you Michael Thiel?

17 A He's a resident of PV Estates, who, also, frequents  
18 Lunada Bay, but I don't even know if he surfs.

19 Q Do you know -- other than frequent Lunada Bay, do  
20 you know what his interest is in Lunada Bay?

21 A Just that he lives in Lunada Bay.

22 Q Oh, the community?

23 A Yeah.

24 Q How about Mark Griep?

25 A I have never texted Mark Griep.

1 Q Do you know Mark Griep? 12:45  
2 A I know who Mark Griep is.  
3 Q Who is mark Griep?  
4 A He is just a guy who comes to Lunada Bay to surf.  
5 Q Do you know anything else, other than he comes to  
6 Lunada Bay to surf?  
7 A No.  
8 Q David Mellow?  
9 A Yes, I know David -- or are we asking if I know him  
10 or --  
11 Q Have you communicated with him on your phone?  
12 A No.  
13 Q Do you know David Mellow?  
14 A Yes.  
15 Q How do you know David Mellow? 12:45  
16 A He is known to surf the Lunada Bay area.  
17 Q Do you know, had he been involved in any  
18 surf-related incidents?  
19 A Yes.  
20 Q Do you recall how many?  
21 A I think the only -- the only -- the one that I know  
22 of, that was the only one that I know of.  
23 Q Is that the one involving the Diana Reed --  
24 A Yes.  
25 Q -- and Jordan Wright?

1 A Yes.

12:45

2 Q How about Dan Dreiling, Junior? Do you know who he  
3 is?

4 A Yes.

5 Q Have you communicated with him on your phone?

6 A No.

7 Q Do you remember -- what do you know about Dan  
8 Dreiling, Junior? Do you know, does he surf Lunada Bay?

9 A I don't know if Dan -- if D.J. -- that's his name.  
10 I don't think he surfs Lunada Bay very often, no. He may  
11 have in the past.

12 Q Do you -- D.J. or Dan Dreiling, Junior, he's the  
13 former chief's son; is that right?

14 A Correct.

15 Q And did he grow up on that bluff there? Did he  
16 live on that bluff? Was -- did Mr. Dreiling live in one of  
17 those houses --

12:46

18 A No, he was never one of those that lived in the  
19 house.

20 Q Okay. Do you know, was Dan Dreiling, Junior ever a  
21 victim of surf-related incidents?

22 A Not that I know of.

23 Q How about Pete Bavros? Do you know that name?

24 A I know that name, yes.

25 Q How do you know that name?

1 Q And then Mr. Mowat, you think you have communicated 12:48  
2 with him on your personal phone?

3 A Yes.

4 Q And communicated with him via Facebook?

5 A I don't even know if Charlie's on Facebook.

6 Q And James Reinhart, do you know that name?

7 A No.

8 Q Fred Straeter, do you know that name?

9 A Yes, I do.

10 Q How do you know Fred Straeter?

11 A Fred Straeter is a -- lived with Charlie for a  
12 little bit, and he was an artist -- or is an artist. He  
13 likes to do paintings of, like, Lunada Bay and stuff like  
14 that.

15 Q Have you communicated with Fred Straeter on his 12:48  
16 personal phone?

17 A No.

18 Q When was the last time you communicated with  
19 Mr. Straeter?

20 A With -- with Mr. Straeter?

21 Q Yeah.

22 A I have not --

23 Q In any way.

24 A Yeah, I have not seen Fred Straeter in maybe over a  
25 year now.

1 Estates, surfed Lunada Bay, friends with Charlie Mowat. 12:51

2 That's about it.

3 Q Have you been to barbecues with Mr. Pazanowski in  
4 attendance?

5 A Maybe one at Charlie Mowat's house.

6 Q Does he have regular barbecues, or does he  
7 entertain a lot, Mr. Mowat?

8 A You know what? I know, because he flies a lot, so  
9 no.

10 Q Okay. What airline does he work for? Do you know?

11 A I think he's United.

12 Q Derek -- D-a-i -- Daigneault, like a French name,  
13 D-a-i-g-n-e-a-u-l-t.

14 A No.

15 Q Danny Ecker? 12:52

16 A No.

17 Q Greg Cahill?

18 A No.

19 Q Alex Hooks?

20 A No.

21 Q Alex Gray?

22 A Yes.

23 Q How do you Alex Gray?

24 A Alex is a friend of Charlie's. He's also a  
25 professional surfer, and he grew up in Palos Verdes and

1 surfs in Lunada Bay.

12:52

2 Q And have you socialized with Alex?

3 A At one of Charlie's barbecues, yes.

4 Q How about Dudley Gray? Do you know that?

5 A I know he's a judge. I've never met him.

6 Q Is that Alex's father, to your understanding?

7 A Yes.

8 Q How about a name, Peter McCollum? Do you know that  
9 name?

10 A I know the name.

11 Q How do you know the name?

12 A He was involved in an incident -- '95. I don't  
13 know. I had just gotten on, I believe. There was a -- an  
14 argument, and it made the news. I know he was on it. I  
15 know the video shows him kind of yelling on the video, but  
16 that's all. I've never met Mr. McCollum in my life, though.

12:53

17 Q Okay. So the video of Mr. McCollum interacting on  
18 the top of the bluff with -- I think it's a Mr. Hagens and  
19 Hamboy. Do you recall seeing that video?

20 A Yes, I did see that.

21 Q When did you see that?

22 A Probably not long after it happened.

23 Q And were you assigned to -- was he charged by the  
24 Palos Verdes Estate Police Department?

25 A I don't recall. I --



1 structure?

14:00

2 A No, I don't recall the exact incidents.

3 Q Do you remember when the second time down might  
4 have been?

5 A No.

6 Q How about the third time? Do you remember when you  
7 were down there the third time?

8 A Not necessarily, no.

9 Q How about the fourth time? Do you remember when  
10 you were down there the fourth time?

11 A I don't recall. I do know that one time I was down  
12 there -- for it was a rescue call --

13 Q Okay.

14 A -- but it was for some surfer or kayaker had gotten  
15 into a little bit of an accident down there.

14:01

16 Q Had you ever down there for -- with -- I think  
17 your -- the police department refers to it as the surfer  
18 incident?

19 A For a surfer incident? No.

20 Q Are you familiar with an event called Danny's Day?

21 A I've heard of that event.

22 Q And is that something you learned from Charlie  
23 Mowat?

24 A Yes.

25 Q What do you know about Danny's Day?

1 A I forget who Danny exactly was, but I guess he used 14:01  
2 to live in Palos Verdes Estates, and he was killed, and that  
3 was their celebration for him.

4 Q Who is "they"?

5 A That was the surfers who surf Lunada Bay. Those  
6 were their memorial.

7 Q So the surfers that surf Lunada Bay have a  
8 memorial? Is that your understanding?

9 A From what I gather, yeah.

10 Q Had you heard about that from anybody else other  
11 than Charlie Mowat?

12 A I don't -- I -- probably maybe Brant Blakeman had  
13 mentioned it before.

14 Q And when would Brant Blakeman have mentioned it to  
15 you? Do you know? 14:02

16 A Just in talking to him on the cliff's edge.

17 Q And would that have been within the last few years,  
18 or sometime before that?

19 A Probably before that.

20 Q Okay. Do you know when Danny's Day is?

21 A No.

22 Q Is it common to have large gatherings down in that  
23 area by community members?

24 A I wouldn't say large.

25 Q Okay. What's the most number of people you've seen

1 Q Paul Ruth?

14:23

2 A No.

3 Q Tom Sullivan?

4 A Yes.

5 Q How do you know that name, Tom Sullivan?

6 A Tom I've known for, gosh, since I started. He's  
7 frequented Lunada Bay for a long time. I do know he surfs  
8 down there, so I've just been familiar with Tom for a while.

9 Q And have you -- are you friends Mr. Sullivan  
10 outside of work?

11 A No, but I have seen him at the party at Charlie  
12 Mowat's.

13 Q When was the last time you attended a party at  
14 Charlie Mowat's?

15 A Maybe a couple of years ago. I really can't  
16 recall. 14:24

17 Q How about Brian White? Do you know that name?

18 A No.

19 Q David Yokley?

20 A No.

21 Q Jason Stafford?

22 A Yes.

23 Q How do you know that name?

24 A Jason has lived in PV Estates for a long time. He  
25 does hang around with a lot of the guys that surf Lunada

1 A -- acquaintances. 14:27  
2 Q How about Eric Lamers?  
3 A Yes, I know Eric.  
4 Q How do you know Eric?  
5 A Eric has lived in PV Estates for years. I believe  
6 he grew up there. I've seen him in the Lunada Bay area.  
7 Q Is he a surfer, to your knowledge?  
8 A I don't know if Eric surfs. He may have in the  
9 past.  
10 Q And have you seen him at one of Mr. Mowat's  
11 parties?  
12 A Yes.  
13 Q And do you socialize with Eric?  
14 A No.  
15 Q Is it fair to say you've not communicated with Eric 14:27  
16 by phone, then?  
17 A That's correct, yes.  
18 Q How about a Brandon Lamers? Is that Eric's  
19 brother? Does Eric have a brother that you're familiar  
20 with?  
21 A No, I think that's -- Brandon I think is his son,  
22 but I don't know him.  
23 Q Okay. Does the son also live in Palos Verdes  
24 Estates?  
25 A I don't know where Brandon lives.

1 Q Do you know how old Brandon is? Is he an adult? 14:28

2 A Yeah, he's an adult. Probably in his twenties.

3 Q Okay. How about someone named Bill Camerly?

4 A Yes.

5 Q How do you know Bill?

6 A A multitude of different reasons. Mainly, we've  
7 arrested him.

8 Q Okay. And what have you arrested him for, if you  
9 remember any of those occasions?

10 A Suspended license, outstanding arrest warrants,  
11 possibly drunk in public I think was one.

12 Q Any of those within the last five years?

13 A It's possible, but I'm not sure.

14 Q You're not sure?

15 A Yeah. 14:29

16 Q Do you know if you were working on Martin Luther  
17 King Day 2014?

18 A I don't believe I was.

19 Q Do you recall hearing anything about Mr. Camerly  
20 showing up in black face?

21 A I didn't hear anything about that.

22 Q Do you -- are you aware of any officers talking  
23 about persons showing up to a Martin Luther King Day event  
24 in black face at any time?

25 A I've never heard of that before from any of the

1 Q How about someone named Paul Hudabil (phonetic)? 14:30

2 A I knew Paul Hudabil, yes.

3 Q How do you know Paul Hudabil?

4 A Paul lives in PV Estates. He -- I think he's a  
5 L.A. County lifeguard part-time, and he does surf in Lunada  
6 Bay.

7 Q How do you know he surfs there?

8 A I've seen him go down with a surf board --

9 Q Okay.

10 A -- so . . .

11 Q And have you seen him at one of Mr. Mowat's  
12 parties?

13 A Paul, no, I don't recall even seeing him.

14 Q Is there someone named Caldwell? Does that ring a  
15 bell? Reno Caldwell? 14:31

16 A There are a couple of Caldwells that I know.

17 Q What are the Caldwells that you know?

18 A Matt Caldwell and Reno, Steven Reno Caldwell.

19 Q Who -- how do you know them?

20 A They've lived in the city. A parent -- I think the  
21 mom still lives in the city. Matt does not surf, but I  
22 believe Reno does.

23 Q And how do you know Reno surfs?

24 A I've seen him in Lunada Bay before.

25 Q With his surf board?

1 A Yes. 14:32  
2 Q How about someone named Tim Gavin?  
3 A No.  
4 Q In terms of -- have you seen Mr. Reno Caldwell at  
5 one of Mr. Mowat's parties?  
6 A No, I haven't seen Mr. -- which Mr. Caldwell?  
7 Q Reno.  
8 A Yeah, Reno, no.  
9 Q Either one?  
10 A No.  
11 Q Same answer?  
12 How about Robert Bacon?  
13 A Yes.  
14 Q How do you know Robert Bacon?  
15 A Robert Bacon was born and raised in PV Estates. He 14:32  
16 owns a little roofing company, also, and he surfs in Lunada  
17 Bay. I've seen him down there, and, yeah, I've seen him  
18 with a surf board.  
19 Q Have you seen him at one of Mr. Mowat's parties?  
20 A Yes.  
21 Q And how about -- there is someone named Mathias or  
22 Thias Sandoval? Does that ring a bell? Thadeus Sandoval?  
23 A Matt Sandoval maybe?  
24 Q Is there a Matt Sandoval that you know?  
25 A Yeah, Sand -- I think there might be a Matt

1 Sandoval. I know a Nick Sandoval, which they could be 14:33  
2 related.

3 Q Who's Nick Sandoval that you know?

4 A He's just a resident of PV estates.

5 Q Is he someone that uses Lunada Bay, to your  
6 knowledge?

7 A I've seen never Nick in Lunada Bay.

8 Q Have you had a business reason to encounter Alan  
9 Johnston?

10 A A business reason?

11 Q Work-related?

12 A Yes.

13 Q Your business is policing?

14 A Correct.

15 Q I said that, so -- what were the reasons you've 14:34  
16 encountered Mr. Johnston?

17 A I honestly can't remember the first time I've ever  
18 encountered Mr. Johnston, but it was early on in my career  
19 when he may have been in high school. He got into a few,  
20 little high-school-age kid type problems, maybe alcohol,  
21 marijuana, and then the most recent one was, obviously,  
22 because he was investigated for the incident with Diana  
23 Reed.

24 Q Between the high school and Diana Reed, was he on  
25 your radar for any other reason?



1           A     He said that -- well, Alex Gray, obviously, he's a     14:49  
2 professional, and he mentioned Zen Del Rio's name as being  
3 one of the better surfers.

4           Q     Anybody else?

5           A     Those are the two names I remember.

6           Q     Was Zen Del Rio at any of the parties you've been  
7 to with him?

8           A     I don't recall seeing Zen there.

9           Q     You know Zen, though?

10          A     Yeah, I know who he is.

11          Q     Yeah.

12          A     I've seen him before, but I never talked to Zen.

13          Q     Any other conversations with Mr. Mowat about Lunada  
14 Bay?

15          A     No.     14:50

16          Q     Have you ever had any conversation with Mr. Mowat  
17 about the issue of localism?

18          A     I have talked to him a little bit about the  
19 localism issue. Charlie is a guy that seems to -- I've  
20 never heard of him saying or doing anything to anybody, but,  
21 you know, when these incidents come up, talking to somebody  
22 who does surf down there helps us better understand what  
23 exactly is going on.

24          Q     And what do you understand is going on?

25          A     Well, from what I can gather from Charlie, I -- not

1 Charlie -- when Charlie refers to a source, do you know what 14:56  
2 he's talking about?

3 A I have no idea.

4 MR. FLAUTT: Lacks foundation, calls for  
5 speculation.

6 BY MR. FRANKLIN:

7 Q Is Charlie friends with anybody else in the police  
8 department?

9 A Probably not as close as I am.

10 Q How about -- are there some others he's friends  
11 with?

12 A He may know or be familiar with officers.

13 Q Who do you think he -- who would you estimate that  
14 he's familiar with?

15 A To tell you the truth, maybe Rick Delmont, who 14:57  
16 used to work for us.

17 Q And what is it that sticks out in your mind with  
18 Rick Delmont? You've seen him at Charlie's house before?

19 A Uh-huh, yes.

20 Q Do you -- are you familiar with an Internal -- an  
21 IA. I actually don't know if it's an IA, Internal Affairs  
22 investigation, or an IA -- some other type of IA related to  
23 an alleged leak of the undercover operation in February  
24 2016?

25 A I'm not aware of any Internal Affairs

1 makes that recommendation of an investigative report being 15:00  
2 elevated?

3 A I'm not sure on any type of documentation.

4 Q Do you recall going out to Mr. Blakeman's house on  
5 February 29th, 2016 about noon to talk to him about what  
6 happened down -- between him and Mr. Johnston and Diana  
7 Milena Reed?

8 A Yes.

9 Q What do you recall?

10 A Sergeant Coalinga knew that I knew Brant, had -- I  
11 guess, during their course of their investigation, they had  
12 found out that Mr. Blakeman had possibly videotaped the  
13 incident, so because I have a better rapport with Brant  
14 Blakeman, I Lou Coalinga asked me to go and ask him if he  
15 has a copy of it. 15:02

16 Q And do you know what happened?

17 A Brant said, "I don't have anything. I'm sorry."

18 Q So he told you, "I don't have any video of that"?

19 A He wouldn't -- well, I mean, I wouldn't say he  
20 wouldn't cooperate, but he just said, "No, I have nothing.  
21 I really don't want to comment on it."

22 Q And in terms of interacting with an officer, if  
23 someone's untruthful as part of that, is that a crime?

24 A It -- if someone's untruthful?

25 Q You've tried to follow-up on a lead and someone

1 speculation, calls for someone else's state of mind. 15:16

2 THE WITNESS: There are a multitude of people who  
3 surf in and around Palos Verdes.

4 BY MR. FRANKLIN:

5 Q So I'm asking about the police department  
6 specifically, because we've talked about a number of  
7 individuals, and you commented, oh, I know them, because  
8 they surf Lunada Bay.

9 A Uh-huh.

10 Q Is there a list anywhere in the police department,  
11 to your knowledge, of people that regularly surf Lunada Bay?

12 A No.

13 Q Does anyone have a -- are you the person who has  
14 the most knowledge about who surfs Lunada Bay in your  
15 estimation? 15:17

16 A In my estimation?

17 MR. FLAUTT: Calls for someone else's state of  
18 mind, speculation.

19 THE WITNESS: I don't know.

20 BY MR. FRANKLIN:

21 Q Is there someone that has more familiarity with the  
22 community members that surf Lunada Bay than you?

23 A To tell you the truth, I'm not sure.

24 Q Have you ever heard of the persons that surf Lunada  
25 Bay referred to as, quote, "Bay Boys," close quote?

1 A I have heard that term. 15:17

2 Q Where have you heard that term?

3 A When -- well, that was a term that I heard when I  
4 was just starting off as a dispatcher in 1994.

5 Q And did you hear it in the community or in the  
6 police department?

7 A Both.

8 Q And what does the term, "Bay Boys," refer to?

9 A The surfers who surf Lunada Bay.

10 Q Have you heard of them referred to by any other  
11 name?

12 A That group of guys who surf?

13 Q Yes.

14 A No, I haven't.

15 Q You never heard of them referred to as pirates? 15:18

16 A No.

17 Q Have you ever had occasion to speak with Catherine  
18 Placek -- is it Placek? Is that how you pronounce it?

19 A Placek.

20 Q -- Catherine Placek about the surfers that use  
21 Lunada Bay?

22 A Have I personally spoken with her?

23 Q Yes.

24 A No.

25 Q So is it fair to say you've never spoke with

1 it, but I don't -- never mind.

15:34

2 Q In terms of -- does the City do any training of  
3 officers on coastal access laws?

4 A Coastal access laws?

5 Q (Nods head.)

6 A I have never had any training involving coastal  
7 access laws, no.

8 Q Are you aware of -- as the president of the POA,  
9 are you aware of there being any training for coastal access  
10 laws provided to police officers or sworn officers?

11 MR. FLAUTT: Calls for speculation, lacks  
12 foundation.

13 MR. DIEFFENBACH: Also, it's irrelevant. Coastal  
14 access issues were stricken in this case.

15 MS. LUTZ: Join.

15:34

16 MS. BACON: Join.

17 MR. FLAUTT: Join.

18 THE WITNESS: As the POA president, I have nothing  
19 to do with training.

20 BY MR. FRANKLIN:

21 Q How about as your 20 years experience as a Palos  
22 Verdes Estates sworn officer? Are you aware of -- do you  
23 have any input on what type of training police officers  
24 might receive?

25 MR. FLAUTT: Vague and ambiguous.

1 harassment training and job -- stuff like that, that's 15:46  
2 on-the-job stuff, so, yeah, that's about the extent of  
3 something like that. I don't even know if that falls under  
4 that category.

5 BY MR. FRANKLIN:

6 Q And how often have you had sexual harassment  
7 training?

8 A I know it's mandated by the State or by P.O.S.T.  
9 that we get it every few years I think it is.

10 Q Would that be in your -- does that go in your  
11 jacket so-to-speak?

12 A Yeah, if you get -- yes. If you get trained, it's  
13 recorded. They'll know that, you know, we've been sent to  
14 the training or receive it at the Department.

15 Q We talked about the Guardian. 15:47

16 Did you see the rest of the Guardian video that  
17 related to allegations related to comments made by surfers  
18 down in Lunada Bay?

19 A Did I see the entire video that they posted --

20 Q Yes.

21 A -- on the Guardian? Yes.

22 Q And in your 20 years, had you ever heard anything  
23 like, quote, "You shouldn't fucking come down here. Stay  
24 away from this area, this bay right here," close quote?

25 MR. FLAUTT: Vague and ambiguous.

1 THE WITNESS: Have I ever personally heard that? 15:47

2 BY MR. FRANKLIN:

3 Q Are you aware of it?

4 A Aware of that? I know that was on the video, but I  
5 hadn't heard anything like that prior to that.

6 Q Well, of course, you heard about Mr. McCollum, who  
7 said something similar to that?

8 A Well, yeah, okay, that's the other case, yeah, but  
9 besides that, yeah, nothing.

10 MS. BACON: Counsel, can we take a break, a brief  
11 break for the bathroom?

12 MR. FRANKLIN: Sure.

13 MS. BACON: We've been going almost two hours.

14 (Recess taken.)

15 MR. FRANKLIN: Back on the record. 15:59

16 BY MR. FRANKLIN:

17 Q You understand you're still under oath?

18 A Yes, I do.

19 Q We had talked about Richard Delmont for a little  
20 bit. Was he liked within the Department or disliked? Do  
21 you have a general sense?

22 MR. FLAUTT: Calls for speculation, calls for  
23 someone else's state of mind.

24 THE WITNESS: Yeah, I don't know whether or not he  
25 was liked or not. I'm sure some people didn't like him,



1 Gentiles"?

16:08

2 Have you ever heard that?

3 MR. FLAUTT: Same objections.

4 THE WITNESS: No.

5 BY MR. FRANKLIN:

6 Q Have you had any training on surfing etiquette or  
7 rules in your time as a police officer?

8 MR. FLAUTT: Vague and ambiguous, lacks foundation.

9 THE WITNESS: Never.

10 BY MR. FRANKLIN:

11 Q Do you have any understanding of what surfing  
12 etiquette or rules might exist generally?

13 A No, I'm not a surfer.

14 Q Were any of the sworn officers in Palos Verdes  
15 Estates surfers, to your knowledge?

16:09

16 A To my knowledge, I think one has surfed before.

17 Q Has surfed before, like not --

18 A I don't know if he currently surfs.

19 Q Who is that?

20 A Sean Chrisfield.

21 Q Okay. And what is his position?

22 A Police officer.

23 Q Police officer.

24 How long has he been with the Department?

25 A Only a couple years.

1 THE WITNESS: Yeah, I mean, it all depends on the 16:14  
2 person. I don't ---I can't speak for them.

3 BY MR. FRANKLIN:

4 Q Are -- if you were approached by someone that  
5 wanted to surf Lunada Bay, would you be able to tell them  
6 how they would get down to the beach safely?

7 MR. FLAUTT: Improper hypothetical, lacks  
8 foundation, calls for speculation.

9 THE WITNESS: If I -- if I could tell them to get  
10 down to the beach how or how safely they could get down?

11 BY MR. FRANKLIN:

12 Q Yeah, just the act. Let's start with that.

13 If someone sitting on the blufftop as this  
14 hypothetical and says, "Hey, officer, I'd like to get down  
15 to the beach," where would I do that? 16:15

16 A There are two trails that most people use, but in  
17 my mind, I don't think either one is safe to traverse down  
18 there. It's safe to go down there, but it's not safe to get  
19 down there, if you know what I mean.

20 The trails are slippery, and it's -- I mean, that's  
21 why a lot of officers, I mean, we -- we don't want to  
22 traverse those trails, because we may fall and break our  
23 necks, and that's the only thing I would tell people.

24 Q So what would you say? That the trails are  
25 dangerous?

1 off means, or what was your understanding of what he was 16:23  
2 trying to relay to you?

3 A Cutting off, meaning cutting in front of him on a  
4 wave. That's my understanding.

5 Q Did you have an understanding of the potential  
6 danger in that particular break of that happening?

7 A I'm not -- I'm not experienced in surfing in that  
8 area, so I -- no, I just took his statement and we put it  
9 into the report.

10 Q And have you -- I think I asked.

11 So you've not had any training in surfing  
12 etiquette?

13 A No.

14 Q Or the dangers of surfing?

15 A No. 16:24

16 Q Do you go to -- as your involvement in the POA, are  
17 there -- are there annual meetings where you might go to  
18 learn from other officers what they're doing in communities?

19 A Not from the POA, no.

20 Q How about trainings in general? Does the City  
21 provide training if you wanted to go to training to learn  
22 about whatever might be new in law enforcement or to learn  
23 what other departments are doing?

24 A Oh, of course, that happens all the time.

25 Q And as in your MOU, is there an amount provided for

1 Q Okay.

16:33

2 A We'll usually go out anytime a tree falls, because  
3 there could be damage. Somebody could be hurt.

4 Q But unrelated to a crime has happened?

5 A No.

6 Q I'm going to ask you about some specific municipal  
7 ordinances.

8 Are you familiar with a municipal ordinance called,  
9 quote, "Surf Riding," close quote, 9.16.010?

10 A Yes, I'm familiar with it.

11 Q What is your understanding of that ordinance?

12 MR. FLAUTT: Objection. The document speaks for  
13 itself.

14 THE WITNESS: It goes into, I believe, creating a  
15 safe environment for all surfers, and when you're riding  
16 waves, you can injure people. You know, I'm not sure  
17 exactly what the specifics are, but . . .

16:35

18 BY MR. FRANKLIN:

19 Q Have you ever heard of there being a citation  
20 issued related to that ordinance in your 20 years?

21 MR. FLAUTT: Vague and ambiguous, calls for  
22 speculation.

23 THE WITNESS: I don't recall.

24 BY MR. FRANKLIN:

25 Q How about an ordinance related to blocking access

1 to beach, which is 9.16.030?

16:35

2 A Yes, I'm familiar.

3 Q What is that ordinance, to your understanding?

4 MR. FLAUTT: Objection. The document speaks for  
5 itself.

6 THE WITNESS: That is you have to allow people to  
7 get down to the beach.

8 BY MR. FRANKLIN:

9 Q And if someone said -- disturbed someone from going  
10 down to the beach, at what level does that become a  
11 violation of that ordinance in your mind?

12 MR. DIEFFENBACH: Speculation, lacks foundation,  
13 incomplete hypothetical, vague and ambiguous.

14 MS. BACON: Join.

15 THE WITNESS: Every situation's different, so I  
16 really can't answer that.

16:36

17 BY MR. FRANKLIN:

18 Q Have you ever heard of anyone in the police  
19 department enforcing that ordinance?

20 MR. FLAUTT: Calls for double hearsay, calls for  
21 speculation, vague and ambiguous.

22 THE WITNESS: I don't recall anybody doing that.

23 MR. FLAUTT: Vague and ambiguous specifically as to  
24 enforcing.

25 BY MR. FRANKLIN:

1 demolished.

16:39

2 Q And are you aware of -- has anyone ever been cited  
3 for putting structures on public property in your 20 years  
4 with the Department?

5 A Not that I know of.

6 MR. FLAUTT: Lacks foundation, calls for  
7 speculation.

8 BY MR. FRANKLIN:

9 Q And we talked about this one a little bit, drinking  
10 alcohol, 9.04.010. Would there be a Penal Code that would  
11 more likely be used, rather than the municipal ordinance if  
12 an officer was inclined to cite or interact with someone for  
13 drinking alcohol?

14 A For an open container?

15 Q (Nods head.)

16:39

16 A No, there are -- I don't believe there is a state  
17 law.

18 Q Okay.

19 A There usually -- that's usually controlled by the  
20 City.

21 Q Okay. So that would be a local municipal  
22 ordinance?

23 A Yes.

24 Q And I think we talked about that. You don't  
25 remember ever issuing a citation -- just a few citations

1 you've issued for that?

16:40

2 MR. FLAUTT: Objection. Misstates testimony.

3 THE WITNESS: That -- are we talking about --

4 BY MR. FRANKLIN:

5 Q For an open container?

6 A Open container?

7 Q Yes.

8 A I've written citations for them, yeah.

9 Q But never in Lunada Bay?

10 A Not that I can recall.

11 MR. FLAUTT: Objection. Misstates testimony.

12 THE WITNESS: Not that I can recall.

13 BY MR. FRANKLIN:

14 Q Are you aware of anybody issuing an open container  
15 citation in Lunada Bay?

16:40

16 MR. FLAUTT: Lacks foundation, calls for  
17 speculation.

18 THE WITNESS: I don't know.

19 BY MR. FRANKLIN:

20 Q And, I guess, as an officer, if you saw people  
21 carrying cases of beer down to Lunada Bay, would you at your  
22 discretion be able to say, "You know, there is no drinking  
23 down there"? Has that ever happened? Like what's the -- it  
24 seems like you would think if they were carrying a case of  
25 beer down there, you would think they intended to consume it

1     ///

16:43

2     BY MR. FRANKLIN:

3           Q     There is an ordinance related to vandalism, theft,  
4     assaults and open fires, 12.24.100.

5                   Are you familiar with that?

6           A     No.

7           Q     There is an ordinance related to making it illegal  
8     to cook outdoors, 12.24.100.

9           A     I didn't know that. You asked me that before. No,  
10    I -- I wasn't aware of that.

11          Q     So if a family brought a Weber barbecue and wanted  
12    to have a barbecue or Hibachi or something on the Lunada Bay  
13    blufftop, do you know -- would you think they might be  
14    cited, or you don't know?

15          A     A family that had a Hibachi for a barbecue, in my  
16    personal experience, I would probably tell them to go put it  
17    away.

16:44

18          Q     Okay. And that would be because?

19          A     Well, that's discretion, and that's my personal  
20    opinion as a police officer. That's what I would do.

21          Q     Okay. And if you saw -- would it be the same thing  
22    down on the coast down below?

23          A     I've never had anything in Lunada Bay where I've  
24    been on duty where -- I have seen a fire, but we called --  
25    the one time I did, it was a nighttime, called down our PA



1 to tell them to put out the fire, and they did. 16:45

2 Q And when you said you would ask a family to put the  
3 barbecue away, what would that be based on? This ordinance  
4 or some other ordinance or --

5 A A camp fire, to me, personal opinion, is an open  
6 flame, open fire. If they have a Weber or a little Hibachi,  
7 it's contained fire, so, therefore, the fire danger isn't as  
8 great with the little Hibachi as it is with the actual open  
9 camp fire.

10 Q No, I understood that -- but maybe I misheard you.  
11 I thought you said if you saw a family with a Weber or a  
12 Hibachi, you'd ask them to put it away?

13 A Yes, I said that.

14 Q And what is the reason for that?

15 A Because you -- obviously, the Municipal Code 16:46  
16 section. You can't cook outside.

17 Q Has that ever happened to you?

18 A That has never happened to me.

19 Q How about dogs off a leash?

20 Is that an ordinance that's enforced?

21 A Yes.

22 Q Down on the coast, too? If someone has their dog  
23 off leash, would they be cited?

24 A People have been cited for that, yes.

25 Q Have you cited people for having their dogs off

1 Q Can you tell me your cell phone number? 16:48

2 A No.

3 MR. FLAUTT: Vague and ambiguous as to which cell  
4 phone.

5 BY MR. FRANKLIN:

6 Q Your personal cell phone number?

7 MR. FLAUTT: I'll raise the same privacy objections  
8 as before and instruct not to answer.

9 THE WITNESS: No.

10 BY MR. FRANKLIN:

11 Q Okay. Do you intend to follow your counsel's  
12 instruction on that?

13 A Yes, I am.

14 MR. FRANKLIN: Okay. What I suspect will end up  
15 doing is reserving time at the end, and we'll have a call -- 16:49  
16 Ed, are you instructing him not to answer on that?

17 MR. RICHARDS: Well, I'm not -- you keep -- with  
18 all due respect, you keep fluctuating back and forth as to  
19 what you think you're allowing me to do or not.

20 MR. FRANKLIN: There is a stipulation in place  
21 specific as to phone numbers on this.

22 MR. RICHARDS: Yes, I would be instructing him. We  
23 have consistently not done that. We have consistently  
24 limited the cell phone numbers of officers, including the  
25 chief, as you know.

1 MR. FRANKLIN: I think we have his number, so I 16:49  
2 don't know that that's right.

3 MR. RICHARDS: You didn't get it from us.

4 MR. FRANKLIN: Okay. So, Counsel, if you want to  
5 state that objection so we're gonna have to adjourn at some  
6 point, and we'll go to Magistrate Oliver on this and get a  
7 ruling.

8 MR. FLAUTT: And just ahead of time, we're going  
9 to request briefing on the issue as well, because we do  
10 believe it's a fairly complicated --

11 MR. FRANKLIN: Sure, there is a Protective Order in  
12 place with, say -- so that's fine with us on that.

13 BY MR. FRANKLIN:

14 Q Has anyone from the City asked you to provide them  
15 your cell phone related to this case? 16:50

16 A My personal?

17 Q Yes.

18 A No.

19 Q So no one has approached you and said we need your  
20 cell phone with related to any surfing incidents in Lunada  
21 Bay?

22 A No.

23 Q Do you know whether the cell phones that are in the  
24 police cars that are the City's phones whether those have  
25 been taken out of service so they can be searched for --

1 addressing an issue of localism?

17:04

2 MR. FLAUTT: Lacks foundation, calls for  
3 speculation, calls for someone else's state of mind.

4 MS. BACON: Argumentative.

5 MR. DIEFFENBACH: Misstates prior testimony.

6 MS. BACON: Join.

7 MS. LUTZ: Join.

8 THE WITNESS: I answered that I don't feel that  
9 there is a localism issue.

10 BY MR. FRANKLIN:

11 Q Okay. And do you -- I think it was the mayor that  
12 called the issue of localism urban legend.

13 Do you ever recall hearing that?

14 A Yeah, I think I recall her saying that.

15 Q Is that your understanding, too?

17:05

16 A Is that my understanding? No, I wouldn't say an  
17 urban legend. That's not -- I just said there is -- I don't  
18 believe there is a localism issue.

19 Q Have you gone outside and talked to surfers outside  
20 of the community -- are you aware of any poll or discussion  
21 with people outside the community whether they feel it's  
22 safe to use Palos Verdes Estates beaches?

23 MR. FLAUTT: Lacks foundation, calls for  
24 speculation.

25 THE WITNESS: I've never spoken --

1 Is it in person orally or in writing? What's the common 17:07  
2 interaction?

3 A It all depends. It could be an e-mail. It could  
4 be orally right in person.

5 Q Text?

6 A Text, no.

7 Q Who is responsible for -- does the POA have an IT  
8 system or computer system that it uses?

9 A No.

10 MR. FLAUTT: Vague and ambiguous.

11 BY MR. FRANKLIN:

12 Q Does the POA own a computer?

13 A Yes, a laptop.

14 Q Where is that held?

15 A In a drawer that the police department has allowed 17:07  
16 us to keep in the station --

17 Q Do you know what --

18 A -- locked.

19 Q -- kind of laptop it is?

20 A Couldn't tell you.

21 Q Is there a person who's in charge of that computer?

22 A No, I don't think we've used it --

23 Q Okay.

24 A -- for a long time.

25 Q Since you've not -- is it fair to say you've not

1 received a request from anyone to reserve data on your 17:08  
2 phone --

3 A No.

4 Q -- personal phone?

5 MR. FLAUTT: Compound, possibly calls for  
6 attorney-client communication, possibly calls for attorney  
7 work product.

8 Instruct not to answer as to those specific  
9 subjects.

10 Do you understand?

11 THE WITNESS: I do.

12 MR. FLAUTT: Please answer the question.

13 THE WITNESS: No.

14 BY MR. FRANKLIN:

15 Q And have you deleted any personal data off your 17:09  
16 phone in the last -- since March 29th, 2016?

17 MR. FLAUTT: Instruct not to answer with regards to  
18 the same privacy objections raised earlier.

19 THE WITNESS: I -- yeah, I would -- I'm not gonna  
20 answer that question.

21 BY MR. FRANKLIN:

22 Q So I'm going to ask you, in terms of to preserve  
23 data, you can follow your attorney's instructions on it, but  
24 to not delete any information, at least from here on out, if  
25 no one has told you that, related to the civil lawsuit,

1 Verdes Estates issues a week?

17:12

2 A No, I don't have a real good estimate on that.

3 Q Do you know if there is a report generated on that  
4 where they have information?

5 A Yeah, I'm sure you could -- yeah, that could be  
6 provided with a public records request.

7 Q How about parking tickets? Are those less common  
8 than moving vehicle violation tickets or --

9 A No, we have a parking enforcement officer, who does  
10 write a lot of parking tickets.

11 Q Okay.

12 A We have a lot of timed areas.

13 Q Are the timed areas in the beach -- in the coastal  
14 areas or different?

15 A The shopping plazas.

17:13

16 Q Okay. Does the -- if a vehicle citation is -- a  
17 moving vehicle citation is issued, are cars impounded  
18 sometimes, or can that happen? Can a car be impounded?

19 A Can a car be impounded for -- oh, yeah, yes,  
20 stored, impounded.

21 Q Whose decision is that? How does that -- how  
22 does someone -- what happens? Why would car be impounded?

23 A Somebody who has a suspended driver's license who's  
24 been driving, and that's a big reason why. A driver has  
25 been arrested, and, obviously, nobody else can drive the car

1 away.

17:14

2 Q How many times a week is a car impounded? Do you  
3 know?

4 A Well, there is a difference between stored and  
5 impounded. We store vehicles.

6 Q Can you explain that difference to me?

7 A Stored is temporary.

8 Q Okay.

9 A Impounded usually means like a 30-day hold.

10 Q So you can't get your car out for 30 days?

11 A Correct, or it's impounded for evidence.

12 Q Okay. That makes sense. And that goes somewhere?

13 A Right. Stored means you've towed it, because it's  
14 been parked for more than 72 hours in one area on a street,  
15 or it's been -- the driver has been arrested, and there is  
16 nobody else to drive it away.

17:15

17 Q Would something like a broken taillight or that  
18 type of thing, would cars be stored for that?

19 A No.

20 Q Is there -- where are cars stored if it's stored?

21 A At a tow yard.

22 Q What tow yard is that?

23 A The company's name is Vanlingen, V-a-n-l-i-n-g-e-n.

24 Q Where is that Vanlingen?

25 A Torrance.



1 Q Torrance?

17:15

2 A Yes.

3 Q And does that company have a contract with the  
4 City?

5 A Yes, they do.

6 Q How long has the Vanlingen Company had a towing  
7 contract with the City?

8 A Ever since I've been there, so I don't know if  
9 that's -- I mean, obviously, from '95 on, from when I became  
10 a police officer.

11 Q Is that a contract that's put out to bid, to your  
12 knowledge, or is that just through the police station's  
13 calls? Do you know?

14 A I think the City has to put out bids for it.

15 Q Okay. Do you know if any current or former police 17:16  
16 officers have an interest in the Vanlingen Company?

17 MR. FLAUTT: Vague and ambiguous as to "police  
18 officers."

19 THE WITNESS: One of our reserve police officers is  
20 part of the family that owns the company.

21 BY MR. FRANKLIN:

22 Q And who is that?

23 A Rob Vanlingen.

24 Q Does Rob work for that company?

25 A Yes.

1 Q Do you have any knowledge of Charlie Mowat 17:20  
2 complaining to elected officials about Chief Kepley's  
3 enforcing surfing rules in Lunada Bay?

4 MR. FLAUTT: Lacks foundation, calls for  
5 speculation, double hearsay.

6 THE WITNESS: I do recall hearing about him writing  
7 some correspondence.

8 BY MR. FRANKLIN:

9 Q Who did you hear that from?

10 A I -- I think it was probably from Charlie, himself.

11 Q What did Charlie tell you?

12 A Charlie told me that he was not happy with the way  
13 that the Chief of Police was handling this so-called  
14 localism issue in Lunada Bay.

15 Q And when did Charlie tell you that? 17:21

16 A Right after he did it.

17 Q Okay.

18 A Yeah.

19 Q And did you have any discussion with Charlie  
20 further or --

21 A No, nothing more.

22 Q And do you have any knowledge about Mr. Thiel  
23 making a similar comment?

24 A Yeah, I heard from Charlie that he and Mr. Thiel  
25 wrote letters.

1 Q How about a derogatory term for homosexuals? 17:38

2 A No.

3 Q Have you ever heard him use a derogatory term for  
4 women?

5 A No.

6 Q Calling them bitches?

7 A No.

8 Q Have you ever heard that there is racial animus in  
9 the Palos Verdes Estates area?

10 A Racial --

11 Q Animus.

12 MR. FLAUTT: Vague and ambiguous, calls for  
13 speculation, lacks foundation, calls for -- that's all.

14 THE WITNESS: No.

15 BY MR. FRANKLIN: 17:38

16 Q Have you ever heard that people of color have  
17 expressed fear of using the beach at Lunada Bay?

18 A Never.

19 Q How frequently have you see African-Americans use  
20 Lunada Bay beach?

21 A Very rarely.

22 Q How about in Palos Verdes Estates generally?

23 A Rarely.

24 Q How about Latinos? Is that a common experience to  
25 see Latinos using Lunada Bay?

1 A Not Lunada Bay.

17:39

2 Q How about other beaches in Palos Verdes?

3 A Some other ones.

4 Q Which ones?

5 A They use Malaga Cove and Rat Beach a lot.

6 Q Did you ever -- are you familiar with the words  
7 that Mr. McCollum used and why he felt he needed to protect  
8 Lunada Bay?

9 A I just remember seeing a video, but I didn't  
10 understand why.

11 Q Have you ever heard Charlie Mowat talk about  
12 respect at Lunada Bay and people need to show respect?

13 MR. FLAUTT: Vague and ambiguous.

14 THE WITNESS: No, I've never heard Charlie say  
15 anything about that.

17:40

16 BY MR. FRANKLIN:

17 Q Have you ever heard of people from outside of  
18 Lunada Bay that want to use the beaches referred to as  
19 "outsiders"?

20 A No.

21 MR. FLAUTT: Vague and ambiguous.

22 BY MR. FRANKLIN:

23 Q Nonlocal?

24 A No.

25 Q Riff-raff?

1 even surfers, too.

18:01

2 Q Okay. And is the older Papayans, is he referred  
3 to as "Paps" sometimes?

4 A Yes.

5 Q And who refers to him as Paps?

6 A Most of the guys from the people who do surf Lunada  
7 Bay.

8 Q And have you ever heard of people wanting to surf  
9 Lunada Bay, they need to get permission from Paps?

10 A I never heard that, no.

11 Q How about permission from anybody? Have you heard  
12 that?

13 A No.

14 Q If you heard that, would that be troubling to you  
15 in terms of if you needed permission from someone to use the 18:01  
16 beach?

17 MR. FLAUTT: Lacks foundation, calls for  
18 speculation, improper hypothetical, vague and ambiguous.

19 THE WITNESS: Like I said earlier, a beach is a  
20 public place, and it's free to surf there if you want to.

21 BY MR. FRANKLIN:

22 Q And in terms of -- is it Little Mike? Is that what  
23 you called him? I can't remember what you -- what's he  
24 referred to today?

25 A Yeah, Little Mike.

REPORTER'S CERTIFICATE

I, DENISE J. PAGANO, CSR. No. 7233, Certified  
Shorthand Reporter, certify;

That the foregoing proceedings were taken before me  
at the time and place therein set forth, at which time the  
witness, STEVEN BARBER, was put under oath by me;

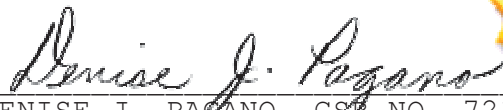
That the testimony of the witness, the questions  
propounded, and all objections and statements made at the  
time of the examination were recorded stenographically by me  
and were thereafter transcribed;

That the foregoing is a true and correct transcript  
of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the laws  
of California that the foregoing is true and correct.

Dated this 5th day of July, 2017.

  
DENISE J. PAGANO, CSR NO. 7233

